Chap. XXIV.—*An Act to extend the jurisdiction of justices of the peace, in the recovery of debts, in the District of Columbia.*

From and after June 1st, 1823, justices of the peace may try and determine causes when the debt and damages do not exceed 50 dollars, exclusive of costs.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, from and after the first day of June next, in all cases where the real debt and damages do not exceed the sum of fifty dollars, exclusive of costs, it shall and may be lawful for any one justice of the peace, of each respective county within the District of Columbia wherein the debtor doth reside, to try, hear, and determine, the matter in controversy, between the creditor and debtor, their executors and administrators, and upon full hearing of the allegations and evidences, of both parties, to give judgment, according to the laws existing in the said District of Columbia, and the equity and right of the matter, in the same manner, and under the same rules and regulations, to all intents and purposes, as such justices of the peace are now authorized and empowered to do when the debt and damages do not exceed the sum of twenty dollars, exclusive of costs: *Provided, nevertheless*, That all justices of the peace of said county shall be compelled, upon entering judgments upon cases within their jurisdiction, to enter the same in such manner as shall carry an interest thereon, from the date thereof, until the same shall be paid, or satisfied: *And provided further*, That no female, in any case whatever, and no male above the age of seventy years, shall be liable to be arrested or imprisoned for any debt authorized to be sued for and recovered by this act.

Proviso.

Proviso.

Defendant may supersede within sixty days.

Sec. 2. *And be it further enacted*, That, in all cases where judgments shall be rendered by a justice of the peace, it shall be lawful for the defendant to supersede the said judgment, at any time within sixty days from the rendition of the same, which supersedeas shall stay execution for six months thereafter, and shall be taken by the justice who rendered the judgment, and no other; *Provided*, Such justice is living in the county in which said judgment was rendered, and acting in his judicial capacity; but if such justice shall not be so acting, then, and in that case, before any other justice of the peace for the aforesaid county who may be legally acting in that capacity.

Proviso.

Justices of the peace to keep a docket.

Sec. 3. *And be it further enacted*, That the justices of the peace within the District of Columbia, be, and they are hereby, directed, and it is hereby made their duty, to keep a docket, and therein to record, and make regular entries of, their proceedings, in all cases in which they shall act in virtue of their office, and they are hereby directed to furnish the plaintiffs and defendants, respectively, with a copy of any judgment by them rendered, when required on which copy, any other justice of the peace of the county is hereby authorized to issue execution or fieri facias, in the same manner as executions are now issued by the clerk of the circuit court of the District of Columbia, which shall be returned within twenty days after being issued, to the justice who gave the judgment; and no judgment rendered before a justice shall have the effect to create any lien upon real estate.

Justices of the peace omitting to keep a docket, liable for the proceeds of any debt, &c., lost in consequence.

Sec. 4. *And be it further enacted*, That if any justice of the peace shall omit to keep a docket, as aforesaid, or be guilty of any other negligence or omission, by which the plaintiff (having obtained a judgment before such justice,) shall lose his or her debt, that then, and in that case, the said justice shall pay and satisfy to the said plaintiff the debt, interest, and costs, lost as aforesaid, to be recovered by plaint, before any other justice of the peace, who shall, on proof of the fact, render judgment against such defaulting justice, together with any interest that may have accrued on the debt.

Justices of the peace, upon

Sec. 5. *And be it further enacted*, That each and every justice of the peace shall, and it is hereby made his duty, upon his resignation or re-

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resignation or removal, or their executors, &c., upon demise, to deliver their dockets to the clerk of the circuit court under penalty of 500 dollars.

moval from office, and it is also made the duty of his executors or administrators, upon the death of any such justice of the peace, forthwith to deliver to the clerk of the circuit court of the District of Columbia, within the county in which said justice of the peace officiated, such docket or dockets, as said justice of the peace, so resigning, removing, or dying, shall or may have had; and it shall be the duty of the clerk in whose possession said docket or dockets may be placed, to furnish copies of all such entries made in said docket or dockets, to persons applying therefor, and who may be entitled thereto, in the same manner, and to have the same effect, as if said copies had been furnished by the said justice, so resigning, removing, or dying, as the case may be: And in case of the death, resignation, removal from office, or other incapacity, of any person who may have acted as a justice of the peace as aforesaid, and neglect (on the part of himself, or executors, or administrators, as the case may be) to transfer such docket or dockets, he or they shall forfeit to the United States the sum of five hundred dollars, to be recovered as other penalties due to the United States.

Judges of circuit court not to hold plea of any debt which shall not exceed 50 dollars.

Proviso.

Sec. 6. *And be it further enacted*, That the judges of the circuit court of the District of Columbia shall not hold original plea in the said court of any debt or damage in cases within the jurisdiction given to justices of the peace by this act, which shall not exceed fifty dollars, exclusive of costs, any law to the contrary notwithstanding: *Provided, nevertheless*, That nothing in this act contained shall extend, or be construed to extend, to divest the circuit court of the District of Columbia from the power of holding plea of any debt or damages, where the same doth not exceed the sum of fifty dollars, or may be above the sum of twenty dollars, where the writ or original process, issued for the recovery of the same, shall have been impetrated at any time before the first day of June next.

In all cases over five dollars parties aggrieved may appeal to the circuit court.

Sec. 7. *And be it further enacted*, That in all cases where the debt or demand doth exceed the sum of five dollars, and either plaintiff or defendant shall think him or herself agrieved [aggrieved] by the judgment of any justice of the peace, he or she shall be at liberty to appeal to the next circuit court to be held in the county in which the said judgment shall have been rendered, before the judges thereof; who are hereby, upon the petition of the appellant, in a summary way, empowered and directed to hear the allegations and proofs of both parties, and determine upon the same according to law and the equity and right of the matter, at the same term in which the said petition shall be exhibited, without further continuance or delay, unless it shall appear to the said court that further time ought to be given to the party applying for the same: and either of the said parties may demand a trial by jury, or leave the cause to be determined by the court, at their election; and in any case of appeal from the decision of a justice of the peace, the circuit court, where two summonses against the appellee shall be returned *non est*, or one attachment returned *non est*, and the said appellee shall not appear, the court may proceed to hear and determine such case, in the same manner as if the appellee had regularly appeared: *Provided*, That no appeal from the judgment of any justice of the peace to the circuit court of the District of Columbia shall be dismissed because the same had not been prayed to the circuit court next after the rendition of such judgment, unless the court shall be satisfied that the defendant had notice of such judgment at least ten days before the sitting of said circuit court.

Proviso.

Judgment or supersedeas not to be returned to the clerk of the circuit court.

Sec. 8. *And be it further enacted*, That from and after the first day of June next, no justice of the peace within the District of Columbia, before whom any judgment hath been rendered, or any supersedeas on any judgment rendered by a justice of the peace, hath been taken, shall make return of any such judgment or supersedeas to the office of the clerk of the circuit court of the District of Columbia, for the purpose

that the same should be recorded or filed therein, by the clerks of the said circuit court; any law to the contrary notwithstanding.

Justices to issue execution.

Sec. 9. *And be it further enacted*, That any justice of the peace before whom supersedeas may be taken, or any other justice of the peace of said county, may, and shall, at the request of the plaintiff, or any other person authorized by, or on behalf of, the said plaintiff, issue execution, by way of capias ad satisfaciendum or fieri facias, against the principal debtor and his sureties, or against either of them, after the expiration of the time so mentioned in the said supersedeas.

Constables may serve and levy executions, &c.

Sec. 10. *And be it further enacted*, That the constables of the said district, who have been, or may hereafter be, duly appointed and qualified, according to law, are hereby authorized and empowered to serve and levy executions issued by a justice of the peace, on judgments obtained for small debts, out of court, in the same manner, and by the same process, as the marshal of the District of Columbia, or his deputies, are authorized to do; and that a commission of five per cent. be allowed the constable for every sum thereon by him levied: *Provided*, That the said constables shall, before they proceed to the discharge of the duties required by this act, give bond to the United States, with good and sufficient security, in the penalty of two thousand dollars, to be approved of by any one of the judges of the circuit court of said district, for the due performance of the duties of a constable, and, also, for the duties and trusts reposed in them by virtue of this act; and it shall be the duty of such judge, forthwith, to have the same filed or entered on record by the clerk of the county in which said constable may reside, at the cost and expense of said constable. And the said constables shall, after this act goes into effect, make all returns now made to the clerk of the circuit or county court, to the justices of the peace, at such times, in such manner, and under such penalties as are at present established by law, in rendering the same to the said clerk: *Provided*, That no return, judgment, or execution, shall be received or recorded as satisfied, by the said justices of the peace, without the receipt of the plaintiff annexed to the same: *Provided also*, That nothing in this act contained shall be construed to prohibit or prevent the marshal, or his deputies, in the respective counties in the District of Columbia, from executing or levying executions, issued by a justice of the peace, for small debts, out of court, when the same are put into their hands for that purpose, in the same manner as by law they have been, or now are, authorized to do; but for executing or levying such executions, the said marshal, or his deputies, shall be entitled to the same commission, and nothing more, as is herein allowed to constables in such cases; and where the marshal or constable shall have received money, on any judgment or execution, not exceeding twenty dollars, and shall fail or omit to pay the same to the plaintiff, or his agent, when thereto demanded, or shall omit or fail to return any execution within the time limited for such return, it shall and may be lawful for any court of record, within the District of Columbia, on motion made, five days' previous notice being given to said marshal or constable, to enter up judgment, instanter, against them, for the amount so received, with interest and costs.

Proviso.

Proviso.

Justices may revive judgments by scire facias.

Sec. 11. *And be it further enacted*, That where any judgment, before any justice of the peace, shall have continued for more than one year, and the said judgment had not been paid or satisfied, it shall and may be lawful for the justice before whom the said judgment had been obtained, or any other justice of the peace for said county, to revive the same by scire facias, which shall be made returnable on a certain day, not exceeding forty days from the time of issuing the same, to the said justice, or any other justice of the peace, of said county; and any constable, qualified as above mentioned, of the said county, is hereby authorized and required to serve such writ of scire facias, and make due

Constables to serve scire facias.

return thereof on the return day mentioned in the said writ, in the same manner, and entitled to the same fee, and liable to the same penalty, as in the case of a warrant issued by a justice of the peace, as directed by law, in such case made and provided.

Constables to deliver persons committed, at the jail to the marshal or jailer, &c.

Sec. 12. *And be it further enacted*, That it may be lawful for any constable, qualified as aforesaid, to deliver, at the county jail, to the marshal of the said county, any person committed by a justice of the peace, on a capias ad satisfaciendum, when the case may or doth so require; and that the said marshal, or his jailer, is hereby required and directed to take charge of such person, and the same in his custody safe keep, until such person or persons shall be duly discharged therefrom according to law.

Justices authorized to issue capias ad satisfaciendum. Proviso.

Sec. 13. *And be it further enacted*, That the justices of the peace be, and they are hereby, authorized and empowered to issue capias ad satisfaciendum, or fieri facias, in all cases where the said justices are empowered to render judgment by virtue of this act, or the laws already in existence in the District of Columbia: *Provided, however, and it is hereby enacted*, That the necessary beds, bedding, not exceeding one bed and the bedding thereof, for every two persons belonging to the family of every such debtor, and wearing apparel, and one cow of each and every debtor and his family, against whose goods, chattels, and effects, a writ of fieri facias shall be issued, as aforesaid, shall not be liable to seizure and sale under such writ, but shall, in all cases, be exempt, together with the tools and implements of his trade, from the operation of the same; nor shall it be lawful for any person to distrain them for rent.

Justices' fees.

Sec. 14. *And be it further enacted*, That, it shall and may be lawful for the several justices of the peace within the District of Columbia to ask and receive, for the performance of their duties under this act, such fees as are allowed to said justices, for similar services, by the laws at present in force in the said district.

Parties may demand a trial by jury.

Sec. 15. *And be it further enacted*, That, in every action to be brought by virtue of this act, where the sum demanded shall exceed twenty dollars, it shall be lawful for either of the parties to the suit, after issue joined, and before the justice shall proceed to inquire into the merits of the cause, to demand of the said justice that such action be tried by a jury; and upon said demand, the said justice is hereby required to issue a venire, under his hand and seal, directed to any constable of the county where said cause is to be tried, commanding him to summon twelve jurors, to be and appear before the justice issuing such venire, at such time and place as shall be therein expressed; and the jurors thus summoned shall possess the qualifications, and be subject to the exceptions, now existing by law in the District of Columbia.

Jurors to be sworn, and to deliver their verdict publicly to the justice, who shall give judgment thereon and issue execution.

Sec. 16. *And be it further enacted*, That if any of the persons so summoned and returned as jurors, shall not appear, or be challenged and set aside, the justice before whom the said cause is to be tried, shall direct the constable to summon, and return forthwith, a tales, each of whom shall be subject to the same exceptions as the jurors aforesaid, so as to make up the number of twelve, after all causes of challenge are disposed of by the justice; and the said twelve persons shall be the jury who shall try the cause, each of whom shall be sworn by the justice, well and truly to try the matter in difference between the parties, and a true verdict to give, according to evidence; and, the said jury being sworn, shall sit together, and hear the proofs and allegations of the parties, in public, and when the same is gone through with, the justice shall administer to the constable the following oath, viz: "You do swear, that you will keep this jury together in some private room, without meat or drink, except water; that you will not suffer any person to speak to them, nor will you speak to them yourself unless by order of the justice, until they have agreed on

their verdict." And when the jurors have agreed on their verdict, they shall deliver the same publicly to the justice, who is hereby required to give judgment, forthwith, thereon; and the said justice is hereby authorized to issue execution on said judgment, in the manner, and under the limitations, herein before directed.

Additional fees of justices and jurors.

SEC. 17. *And be it further enacted*, That, in addition to the fees herein before provided for in trials before justices, there shall be allowed to the justice, for issuing a venire facias, twenty-five cents, and for swearing the jury, twelve and an half cents; to the jurors sworn to try, twelve and a half cents each; and to the constable, for summoning the jury, thirty-seven and an hald [half] cents.

APPROVED, March 1, 1823.

STATUTE II.

March 3, 1823.

CHAP. XXV.—*An Act for carrying into effect the Convention of navigation and commerce between the United States and France, concluded at Washington, on the twenty-fourth day of June, eighteen hundred and twenty-two.*

Act of May 15, 1820, ch. 126, respecting tonnage duty on French vessels, repealed.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the act to impose a new tonnage duty on French ships and vessels, approved on the fifteenth day of May, one thousand eight hundred and twenty, be, and the same is hereby, repealed.

From and after Sep. 30, 1822, French goods imported in French vessels to pay an additional duty of $3,75 per ton.

SEC. 2. *And be it further enacted*, That, for the term of two years, from and after the thirtieth day of September last, articles of the growth, produce, or manufacture, of France, imported into the United States, in French vessels, shall pay an additional duty of three dollars and seventy-five cents per ton of merchandise, according to the tenor of the convention of navigation and commerce between the United States and France, concluded on the twenty-fourth day of June, one thousand eight hundred and twenty-two, over and above the duties collected upon the like articles, also of the growth, produce, or manufacture, of France, when imported in vessels of the United States: *Provided always*, That no discriminating duty shall be levied upon the productions of the soil or industry of France, imported in French bottoms, into the ports of the United States, for transit or re-exportation.

Proviso.

At the expiration of two years, extra duties to be diminished one-fourth of the whole amount, and so from year to year.

SEC. 3. *And be it further enacted*, That, from and after the expiration of two years from the said thirtieth day of September last, in case of the continuance in force of the said Convention, and so long as the same shall continue in force, the extra duties, specified in the second section of this act, shall, from and after the said thirtieth day of September, one thousand eight hundred and twenty-four, be diminished by one-fourth of their whole amount; and, afterwards, by one-fourth of said amount, from year to year, so long as neither of the parties to the said convention shall have declared the intention of renouncing the same, in the manner therein provided, and until the whole of such discriminating and extra duty shall have been done away.

Tonnage duty, light-money, &c., for French vessels not to exceed 94 cents per ton of the vessel's French passport.

SEC. 4. *And be it further enacted*, That, during the continuance in force of the said convention, the duties of tonnage, light money, pilotage, port charges, brockerage, [brokerage,] and all other duties, upon foreign shipping, over and above those paid by vessels of the United States, other than those specified in the second section of this act, shall not exceed, for French vessels, in the ports of the United States, ninety-four cents per ton of the vessel's French passport.

Extra duties levied before June 24 last to be refunded.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized to cause to be refunded, from any moneys in the treasury not otherwise appropriated, any extra duties, levied before